

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ONIS CARRABINE POTTER,
Petitioner,
v.
STATE OF IDAHO,
Respondent.

Case No. 2:23-cv-02489-KJM-JDP (HC)

ORDER

Petitioner, a county inmate proceeding pro se, has filed this application for a writ of habeas corpus under 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge as provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On December 1, 2023, the magistrate judge filed findings and recommendations, which were served on petitioner and which contained notice to petitioner that any objections to the findings and recommendations were to be filed within fourteen days.¹ Petitioner has not filed objections to the findings and recommendations.

The court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed

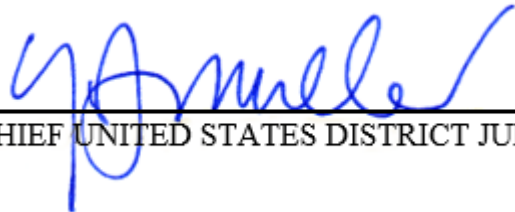
¹ Although it appears from the file that petitioner's copy of the findings and recommendations was returned, petitioner was properly served. It is the petitioner's responsibility to keep the court apprised of his current address at all times. Pursuant to Local Rule 182(f), service of documents at the record address of the party is fully effective.

1 de novo. *See Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) (“[D]eterminations of law
2 by the magistrate judge are reviewed de novo by both the district court and [the appellate] court
3 . . .”). Having reviewed the file, the court finds the findings and recommendations to be
4 supported by the record and by the proper analysis.

5 Accordingly, IT IS HEREBY ORDERED that:

- 6 1. The findings and recommendations filed December 1, 2023, are adopted in full;
- 7 2. The petition, ECF No. 1, is dismissed for failure to state a claim upon which relief may
8 be granted;
- 9 3. The court declines to issue the certificate of appealability referenced in 28 U.S.C.
10 § 2253;
- 11 4. The Clerk of Court is directed to close this case and to enter judgment accordingly.

12 DATED: January 11, 2024.

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15 CHIEF UNITED STATES DISTRICT JUDGE
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